

EXHIBIT 10

Honorable Thomas S. Zilly

EARTHJUSTICE
LEGAL DEFENSE FUND

AUG 18 2000

RECEIVED

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

GREENPEACE, AMERICAN OCEANS CAMPAIGN,
and SIERRA CLUB,

Plaintiffs,

v.

Civ. No. C98-0492Z

NATIONAL MARINE FISHERIES SERVICE, and
WILLIAM M. DALEY, in his official capacity as
Secretary, United States Department of Commerce,

Defendants, and

AT-SEA PROCESSORS ASSOCIATION,
WESTWARD SEAFOODS, INC.,
UNITED CATCHER BOATS, and
ALEUTIAN EAST BOROUGH, et al.,

Defendant-Intervenors.

**FEDERAL DEFENDANTS' REPORT TO THE COURT ON IMPLEMENTATION OF
THE AUGUST 7, 2000, INJUNCTION ORDER**

Federal defendants notify the Court and the parties of the following actions taken to implement the Court's Injunction Order dated August 7, 2000. Federal defendants first learned of the Court's Order around 9:00 a.m., E.D.T., on Tuesday morning, August 8, 2000. The injunction, by its terms, became effective on August 8 at 12:00 p.m., P.D.T. (3:00 p.m., E.D.T.; 11:00 a.m., A.D.T).

To implement the injunction and ensure compliance with the Court's Order, the National Marine Fisheries Service (NMFS) issued an interim rule, captioned "Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Critical Habitat Pursuant to a Court Order," and filed that

FED. DEF. REPORT TO THE COURT ON IMPLEMENTATION
OF AUGUST 7, 2000, INJUNCTION ORDER

UNITED STATES DEPARTMENT OF JUSTICE
Environment and Natural Resources Division
P.O. Box 7369, Ben Franklin Station
Washington, D.C. 20044-7369 / (202) 305-0211

1 rulemaking document on a "Special Handling" basis with the Office of the Federal Register at 5:00
 2 p.m. (E.D.T.) on August 8, noted for immediately filing. The interim rule (attached as Exhibit 1)
 3 was "promulgated under the authority of Section 11(f) of the [Endangered Species Act] and in
 4 compliance with the Court's injunction," and sets forth the terms of the Court's Order. The rule also
 5 lists all Steller sea lion critical habitat sites closed to comply with the Order. NMFS is working with
 6 the U.S. Coast Guard to enforce the closure.


7 NMFS also began hourly radio broadcast transmissions over the NOAA Weather Radio on
 8 August 8 to inform the public of the injunction (see Exhibit 2), and the agency issued a press release
 9 dated August 9 to publicize the Court's Order, the NMFS emergency interim rulemaking, and
 10 availability of more information on the agency's website (Exhibit 3). Finally, NMFS coordinated
 11 with the Alaska Department of Fish & Game, which issued its own press release on August 8 and
 12 informed the public of a similar prohibition of "fishing with trawl gear in state waters" as a result
 13 of the closure of trawl fishing in federal waters under the Court's Order and the NMFS emergency
 14 interim rule (Exhibit 4).

15 Respectfully submitted this 14th day of August, 2000.

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